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10/629,171	07/28/2003	Zhen-Da Hung		7171

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WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
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SANTA CLARA, CA 95050

EXAMINER

HESS, MICHAEL THOMAS

ART UNIT	PAPER NUMBER
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3729

MAIL DATE	DELIVERY MODE
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11/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

#

Office Action Summary

Application No.

10/629,171

Applicant(s)

HUNG ET AL.

Examiner

Michael T. Hess

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The amendment filed on 09/13/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: in ¶ [0015], "In other embodiment, the handling portion 22 also can extend from the fixing portion 32" and "[a] pull tab 22 can not only extend from the first plate 21, but also extend from the second plates 32." Although the second plate is shown in the drawings and claimed in the claims, Applicant failed to disclose the handling portion 22 extending from the fixing portion 32.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

2. Claim 12 is objected to because of the following informalities: Claim 12, Line 2 recites "connector is RF connector," which is grammatically incorrect. An --a-- should be inserted between "is" and "RF". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 12 recites the limitation that the "connector is RF connector"; however, this limitation lacks support in the specification that was originally filed that would reasonably convey to one skilled in the art that the inventors had possession of the claimed invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2-4, 12 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The last line of Claim 2 recites "the connection portion extending from a side of." This ending to Claim 2 does not make grammatical sense and creates ambiguity because it is unclear which side the connection portion extends from. Therefore, Applicants have failed to particularly point out and distinctly claim the subject matter regarded as the invention.

8. Claim 12 recites the limitation "wherein said connector is RF connector"; however, it is ambiguous and unclear what is meant by the term "RF connector" as the

term is not described in the specification. Therefore Applicants have failed to particularly point out and distinctly claim the subject matter.

9. Claim 15 recites the limitation "wherein the connection portion firstly extending upwardly from one side of the engaging portion to a top"; however, "a top" is a relative term in that it must be a top relative to another object. Applicants do not clearly provide in the specification what structure "a top" is referring to. Therefore, Applicants have failed to particularly point out and distinctly claim the subject matter regarded as the invention.

10. Claim 15 recites the limitation "to form a semi-circle"; however, it is unclear what the term "semi-circle" means. The term "semi-circle" is not specifically defined in the Specification and not shown in the Drawings. Typically circle means that all points on the circumference have a common distance to the center. However, from the Drawings it appears that the connection portion, when is not formed in such a semi-circle when the fixing portion is engaged with the electrical connector. Therefore, Applicants have failed to particularly point out and distinctly claim the subject matter regarded as the invention.

NOTE: IN VIEW OF THE 35 U.S.C. § 112 REJECTIONS ABOVE, CLAIMS 2-4 AND 12 ARE REJECTED BASED ON PRIOR ART AS BEST UNDERSTOOD BY EXAMINER.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 9-11, 13-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,416,353 to Hwang et al. (Hwang).

In Reference to Claim 1

Hwang teaches:

An extraction tool, assembled to an electrical connector for disengaging the electrical connector from a mating electrical device (Col. 1, lines 6-10), comprising:

a pull tab (Ref. # 70); and

a retention element (Ref. #s 702 and 72, in combination) comprising a connection portion (Ref. # 702) extending from the pull tab (Ref. # 70, Fig. 1) and a fixing portion (Ref. # 72) fixed on the pull tab (Ref. # 70) to form a closed loop for enclosing the electrical connector (Ref. # 3) therein (see Fig. 2); and

wherein the connection portion (Ref. # 702) and the fixing portion (Ref. # 72) are respectively located on the two opposite sides of the electrical connector (Ref. # 3, see Fig. 1, there are two connecting portions 702 and two fixing portions #72, one of each are located on opposite sides of the electrical connector; therefore, there is a connection portion 702 on the opposite side of the electrical connector from the fixing portion 72).

In Reference to Claim 2

Hwang teaches:

The tool as claimed in claim 1, wherein the pull tab (Ref. # 70) comprises an engaging portion (Ref. # 704), and the engaging portion (Ref. # 704) is a single piece (there are two engaging holes 704 that clearly are part of a separate single piece, see Fig. 1) which the connection portion (Ref. # 702) extending from a side of (See Fig. 1).

In Reference to Claim 3

Hwang teaches:

The tool as claimed in Claim 2, wherein the engaging portion (Ref. # 704) and the fixing portion (Ref. # 72) overlap each other (Fig. 2) and each defines a hole to form a passage for receiving and engaging with the electrical connector (See Fig. 1; Ref. # 704 and there inherently will be a hole in fixing portion 72 to connect neck portion 727 to fixing portion 72, this hole creates a passage for neck portion 727 that allows for receiving and engaging of the electrical connector 3, see Fig. 2).

In Reference to Claim 4

Hwang teaches:

The extraction tool as claimed in claim 3, wherein the pull tab (Ref. # 70) comprises a handling portion (Ref. # 701) with a gradient to and extending from the engaging portion (Ref. # 704, Fig. 1, the corners of the pull tab 70 are rounded and form a gradient to and from the engaging portion 704).

In Reference to Claim 9

Hwang teaches:

An electrical connector assembly comprising:

a cable connector (Ref. # 1) including a vertical mating section (Ref. # 30) with a horizontal cable retaining portion (Ref. # 561) extending from said mating section;

a unitary extracting tool (Ref. # 7, Col. 1, Lines 6-10, the combination of Ref. #s 70 and 72 creating one unitary tool) including stacked first (Ref. # 301) and second plates (Ref. # 72) located below (the direction "below" is a relative direction and if the cable connector assembly 1 is put on its side, first 301 and second 72 plates will be stacked and below the cable retaining portion 561) the cable retaining portion (Ref. # 561), wherein through both of said first (Ref. # 301) and second (Ref. # 72) plates said mating section (Ref. # 30) extends downwardly (mating portion 30 is in the middle of the sets of first 301 and second 72 plates extending from pull tab 72 and extends downward), a connection portion (Ref. # 702) linked between said first plate (Ref. # 301) and said second (Ref. # 72) plate to form a loop configuration surrounding said cable retaining portion (Fig. 2, there are two first plates 301 and two second plates 72;

connection portion 702 links between one second plate 72 and one first plate 301 located on opposite sides of the mating section 30 that extends through the first 301 and second 72 plates); and

a pull tab (Ref. # 70) extending from one of said first (Ref. # 301) and second (Ref. # 72) plates and said connection portion (Ref. # 702; see Fig. 2).

In Reference to Claim 10

Hwang teaches:

The assembly as claimed in claim 9, wherein said pull tab (Ref. # 70) extends from the first plate (Ref. # 301) which is located upon the second plate (Ref. # 72, see Fig. 2).

In Reference to Claim 11

Hwang teaches:

The assembly as claimed in claim 9, wherein said pull tab (Ref. # 70) defines an aperture through which a cable (Ref. # 9) of said cable connector (Ref. # 1) extends (see Fig. 1).

In Reference to Claim 13-18

Hwang teaches:

an extraction tool, assembled to an electrical connector (Ref. # 3) comprising:
a pull tab (Ref. # 7) comprising one end to form a handling portion (Ref. 701, the corners of the pull tab 7 are rounded and form a gradient to and from the engaging portion 728) and other end to form an engaging portion (Ref. # 728, a single piece); and

a retention element comprising (Ref. # 72) a connection portion (Ref. # 722, extends both upwardly and downwardly from the engaging portion 728) extending from the engaging portion (Ref. # 728) and a fixing portion (Ref. 702, extends from the connection portion 722 when pull tab 7 is combined; fixing portion 702 overlaps engaging portion 728 and each defines a hole, 704 in fixing portion and engaging portion 728 will have a hole to receive neck 727, which allows for the complete mating of the pull tab 7 with the electrical connector 3) fixed on the engaging portion (Ref. # 728, when pull tab 7 is fully connected, Fig. 2) to form a closed loop for enclosing the electrical connector (Ref. # 3) therein (see Fig. 2, a semi-circle-type loop is formed when the connector assembly 1 is assembled, which involves the connection portion 722 extending from the engaging portion 728, as noted above).

3. Alternatively claim 9-11 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,062,803 to Howard, deceased et al. (Howard).

In Reference to Claims 9-11 and 20

Howard teaches:

An electrical connector assembly comprising:

a cable connector (Ref. # 70) including a vertical mating section (Ref. #s 65 and 64, the plug can be connected to a horizontal outlet and mating section would extend perpendicular to outlet) with a horizontal cable retaining portion (Ref. # 72, the cable is flexible and can extend in a horizontal direction) extending from said mating section (Fig. 7);

a unitary extracting tool (Ref. # 10) including stacked first (Ref. # 12) and second plates (Ref. # 13) located below (below is a relative term and if the outlet is located on the horizontal, the plates would be located below the cable retaining portion 72) the cable retaining portion (Ref. # 72), wherein through both of said first (Ref. # 12) and second (Ref. # 13) plates said mating section (Ref. #s 65 and 64) extends downwardly (mating portions 64 and 65, can extend downwardly if outlet is on the horizontal), a connection portion (portion between central portion 11 and ends 12 and 13) linked between said first plate (Ref. # 12) and said second (Ref. # 13) plate to form a loop configuration surrounding said cable retaining portion (Fig. 7); and

a pull tab (Ref. # 11, when folded over as in Fig. 7) extending from one of said first (Ref. # 12) and second (Ref. # 13) plates and said connection portion (portions between central portion 11 and ends 12 and 13; Figs. 1 and 7);

wherein said pull tab extends obliquely (the opening 14 allows for pull tab to extend obliquely from ends 12 and 13) and upwardly (when the connector 70 is plugged into a horizontal outlet the pull tab can extend upwardly) with a free distal end (the folded central portion 11 creates a free distal end that can be moved relative to ends 12 and 13 because of opening 14).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang.

In Reference to Claims 12 and 19

Hwang teaches:

the assembly as claimed in claims 9 and 13 (see 35 U.S.C. § 102(e) rejections of Claims 9 and 13 above or 35 U.S.C. § 102(b) rejection of Claim 9 above).

However, Hwang fails to teach:

wherein said connector is RF connector.

It would have been obvious to one having ordinary skill in the art at the time the invention was made, as a matter of design choice, to have used an RF connector because Applicants have not disclosed that using an RF connector solves any stated problem or is for any particular purpose and it appears that the extraction tool of Hwang

would perform equally well with a RF connector. Further, there is nothing in Hwang that prevents the use of an RF connector as the electrical cable connector.

Response to Arguments

7. Applicant's arguments, see REMARKS, filed 09/13/2007, with respect to Objection to the Specification have been fully considered and are persuasive. The Objection to the Specification of Office Action dated 06/12/2007 has been withdrawn.

8. Applicant's arguments filed on 09/13/2007 regarding Claim Rejections under 35 U.S.C. § 102 have been fully considered but they are not persuasive.

Arguments Regarding Claim 1

Applicants argue that their invention can achieve different function from which is disclosed by Hwang because connection portion 702 and the fixing portion 72 are located on the same side of the electrical connector and cannot form a closed loop. However, there are connection portions 702 and fixing portion 72 located on both sides of the electrical connector and in combination with the pull tab 70 and form a closed loop when engaged (see Fig. 2).

Arguments Regarding Claim 2

Applicants argue that they restrict the engaging portion to a single piece and that Hwang discloses a pair of engaging portions 704. However, each engaging portion is considered a single, separate engaging portions; thus, the engaging portion is a single piece.

Arguments Regarding Claim 3

Applicants argue that Hwang needs another element to connect the fixing portion and engaging portion with the electrical connector. However, Applicants only claim that the engaging portion and the fixing portion overlap each other and each defines a hole for engaging with the electrical connector. Hwang discloses all of this claimed subject matter and the holes in the fixing portion and engaging portion facilitate engaging the electrical connector as required by the limitations of claims 3 by allowing all of the pieces of the assembly 1 to be joined together.

Arguments Regarding Claim 4

Applicants argue that handling portion 701 of Hwang is not gradient to the engaging portion 704. However, the corners of the handling portion 701 clearly form a gradient.

Arguments Regarding Claim 9

First, Applicants argue that because Hwang discloses multiple pieces for the extraction tool it is not a unitary extraction tool. However, the multiple pieces of Hwang are connectable and form a single, unitary extraction tool.

Second, Applicants argue that the Examiner improperly uses two different ways to treat the same subject matter in the reference in examining the same claim. However, the Applicants have failed to point out precisely how the Examiner has made two separate interpretations of the same subject matter. Further, the mating section 30 does extend through the downward through the first plate 301 and the second plate 72, as originally stated in the rejection of Claim 3.

Last, Applicants argue that the connection portion 702 is not linked between first plate 301 and second plate 72. However, as Applicants describe in their arguments connection portion 702 is linked to second plate 72 and is sandwiched to first plate 301; therefore, connection portion 702 is linked to second plate 72 and first plate 301. Further, Applicants argue that the linking does not form a loop configuration surrounding said cable retaining portion. However, the pull tab 70 in combination with first 301 and second 72 plates and connection portion 702 form a loop around the cable retaining portion 561.

Therefore, all of Applicants arguments regarding claims 1-4 and 9-11 are considered unpersuasive and the 35 U.S.C. § 102(e) rejections of Non-Final Office Action dated 06/12/2007 are maintained.

To the extent Applicant disagrees with Examiner's response that Hwang discloses "a unitary extracting tool," this argument is moot in view of the 35 U.S.C. § 102(b) rejection of Claims 9-11 and 20, which is considered a new grounds of rejection instigated by amendment.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

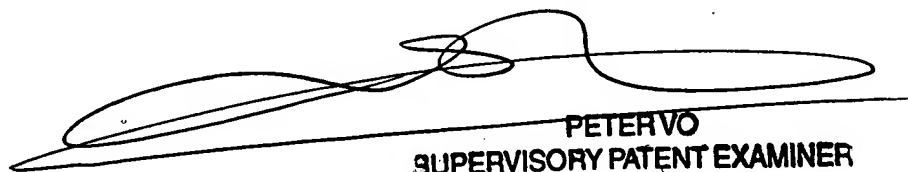
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Hess whose telephone number is 571-270-1994. The examiner can normally be reached on 6:30 AM - 5:00 PM, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



PETER VO
SUPERVISORY PATENT EXAMINER
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